

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of)	Docket No. TSCA-V-C-87-93.
)	Judge Lotis
Marion Steel Company (The))	
)	
Respondent)	

AFFIDAVIT OF THOMAS P. BUCHAN

The affiant, THOMAS P. BUCHAN, being duly sworn, states as follows:

1. My name is THOMAS P. BUCHAN.
2. I am competent to testify at any hearing for this civil administrative action.
3. In 1974 I received an Associates Degree in Biology from Jamestown Community College, Jamestown, New York.
4. In 1980 I received a Bachelor of Arts Degree from Ohio State University.
5. From 1981 through 1986 I studied City and Regional Planning, at a graduate level, at Ohio State University.
6. In 1983 I became an Environmental Scientist with the Ohio Environmental Protection Agency.
7. In October of 1986, I was trained by U.S. EPA to inspect facilities to determine their compliance with the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., ("the Act") and the PCB regulations at 40 C.F.R. Part 761, ("the regulations").
8. In 1988 I became an Environmental Engineer with the Ohio Environmental Protection Agency.

9. In January of 1991, I was given a refresher course on how to inspect facilities to determine their compliance with the Act and the regulations.

10. In 1991 I became an Environmental Specialist with the Ohio Environmental Protection Agency.

11. Today I hold the same position.

12. The responsibilities of my position as Environmental Scientist, Engineer, and Specialist included, and include, among other things, inspecting facilities to determine their compliance with the Act and the regulations.

13. I have performed inspections for more than 8 years and I have inspected at least 400 facilities to determine their compliance with the Act and the regulations.

14. I have assisted in the inspection of an additional 200 facilities.

15. On November 30, 1992, and December 1, 1992, I inspected the Marion Steel Company, Marion, Ohio, ("the facility"), pursuant to Section 11 of the Act, 15 U.S.C. § 2610, and the regulations to determine its compliance with the Act and the regulations.

16. My inspection of the Marion Steel Company, Marion, Ohio, was a typical and routine inspection.

17. The facility was using six (6) PCB Transformers.

18. The facility had not developed and maintained annual records and the written annual document log of the disposition of

its PCBs and PCB items for calendar years 1991, 1990, 1989, 1988, 1987, 1986, 1985, 1984, and 1983.

19. The facility did have a document entitled "Capacitors" and a document entitled "Disposal and Monitoring Report."

20. However, these documents failed to identify:

- a. The facility's address;
- b. The facility's U.S. EPA ID Number;
- c. The calendar year the documents covered;
- d. The facility's PCB Transformer #6 as a PCB Transformer;
- e. The facility's quarterly inspections of PCB Transformer #6;
- f. The facility's PCB capacitors;
- g. The facility's kilograms of PCBs;
- h. The facility's unique I.D. Numbers for its PCB containers;
- i. The facility's disposal of its PCB containers;
- j. The facility's unique I.D. Numbers for its PCB manifests;
- k. The total weight, in kilograms, of the facility's PCB Transformers remaining in service at the end of each calendar year;
- l. The facility's total number of PCB capacitors in service at the end of the calendar year.
- m. The total weight, in kilograms, of the facility's PCB articles remaining in service at the end of each calendar year.

21. The facility was storing a combustible material, specifically wood, within five meters of an unenclosed PCB Transformer, specifically a G.E. Pyranol PCB Transformer, serial number SN H887303.

22. I certify that the above statements are true and accurate to the best of my recollection.

FURTHER AFFIANT SAYETH NOT.

A handwritten signature in dark ink, appearing to read "Thomas P. Buchan", is written over a horizontal line.

THOMAS P. BUCHAN

PCB Unit

Division of Emergency and Remedial
Response

Ohio Environmental Protection
Agency

1800 Watermark Drive

Columbus, Ohio 43215-1099.

County of Franklin)
) ss.
State of Ohio)

The undersigned, a notary public in and for the above county and state, certifies that **THOMAS P. BUCHAN**, known to me to be the same person whose name is subscribed as affiant for the foregoing **AFFIDAVIT**, appeared before me in person and acknowledged signing and delivering the instrument as his free and voluntary act.

Dated: October 5, 1994, 1994 (SEAL)

Kimberly K. Bell-Johnson
Notary Public

My commission expires _____.

KIMBERLY K. BELL-JOHNSON
NOTARY PUBLIC - STATE OF OHIO
COMMISSION EXPIRES JULY 13, 1995